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APPLICATION NO. 5	FILING DATE 9/19/96	FIRST NAMED INVENTOR WILLEEN	ATTORNEY DOCKET NO. P 6000
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IM71/1214

EXAMINER

MORRIS, T

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

12/14/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/715,724	Applicant(s) Wilson et al.
	Examiner Terrel Morris	Group Art Unit 1771



Responsive to communication(s) filed on Sep 29, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. As per Applicant's request in the CPA filing papers, the amendment of September 14, 1998 has been entered and carefully considered along with Applicant's accompanying remarks. The cancellation of claims and removal of "about" from the phrase "less than about 10%" has obviated the rejections presented under both 35 USC 112 first and second paragraphs. As for the art rejections, the removal of "about" from the percentage of the sheath has obviated anticipation but not obviousness.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 2-4, 9-10, 13-15, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, US 5,447,794 in view of the recognized state of the art of carpet fibers as was set forth in sections 5 and 6 of paper number 9.

The removal of "about" narrows the range for the amount of sheath component to be less than 10 percent. This value includes 9.99999999. The Examiner finds this to be substantially the same as or obvious of 10. On the other hand, Lin merely teaches that there should be 10 to 80, preferably 10 to 50 percent sheath. This teaches a preference towards lower values for the sheath. Further, the patent does not indicate why those end points were chosen and does not indicate that any undesirable result is obtained from values at or near 10%. Lastly, no unexpected results are obtained (positive or negative) by employing values at or near 10 %. Thus, it would have been obvious to one of ordinary skill in the art to employ less than 10% sheath component in

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the fibers of Lin, motivated by raw material cost saving since the sheath component is the expensive material of the fiber structure.

Applicant's response does not address these new issues, so there is no argument for rebuttal.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Terrel Morris whose telephone number is (703) 308-2414. The Examiner can normally be reached Monday through Thursday from 7:00 am to 4:00 pm and on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Marion McCamish, can be reached at (703) 308-3961.

The Office has established a Fax Center to handle Official communications from Applicants via facsimile. Two numbers have been provided: (703) 305-3599 for After Final communications and (703) 305-5408 for all other Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



Terrel Morris
Primary Examiner
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December 14, 1998